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REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-20 are in this case. Claims 1-20 have been rejected under § 103(a). Independent claims 1 and 12 have now been amended.

§ 103(a) Rejections - Yacoubian

The Examiner has rejected claims 1, 2, 5-8, 10 and 11 under § 103(a) as being unpatentable over Yacoubian (US D466045). The Examiner's rejections are respectfully traversed.

Yacoubian teaches a cross-shaped diamond cut bounded by a 12-sided girdle.

The invention as claimed in original independent claim 1 recites a girdle shape "*essentially bounded by eight substantially straight edges*". Yacoubian does not teach or suggest any such structure since any 8 out of his 12 sides would fail to substantially bound the girdle, instead leaving 33% unbounded.

While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claim 1 in order to clarify and emphasize the crucial distinctions between the device of the present invention and the device of the Yacoubian patent cited by the Examiner. Specifically, claim 1 has been amended to clarify that the eight substantially straight edges correspond substantially to an octagon, thereby clearly distinguishing from the 12-sided cross-shaped girdle of Yacoubian.

The Applicant respectfully solicits reconsideration of the § 103(a) rejections of independent claim 1 and dependent claims 2, 5-8, 10 and 11 over Yacoubian in view of the above argument and amendment.

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§ 103 Rejections - Senanayake

The Examiner has rejected claims 1-20 under § 103(a) as being unpatentable over Senanayake (US 5190024). The Examiner's rejections are respectfully traversed.

The Senanayake patent discloses a method for cutting gemstones with a round girdle in such a manner as to maximize the usefulness of the cut-away fragments. The fact that Senanayake relates to producing round gemstones is explicit throughout the document, for example, in the abstract and column 1 lines 4-6. Senanayake neither teaches nor in any way suggests a gemstone with an eight-sided girdle as provided by the present invention.

With regard to Figure 10 of Senanayake, this merely illustrates the geometry of cuts made in order to remove useful fragments prior to shaping the round gemstone and has no relation to the final shape of the ornamental gemstone produced. Furthermore, the apparent asymmetry which the Examiner has cited as suggestive of the dimensions of the claimed invention has nothing to do with any "design effect variable ... to make a gemstone more appealing to a consumer". Rather, it is a simple result of geometry of the raw diamond. Thus, as explicitly stated by Senanayake in column 3 lines 42-47, if the raw diamond girdle is square, the inscribed circle will touch all of the suggested cut lines.

In contrast, the present invention provides a method for cutting a square pyramid to generate an ornamental gemstone having a girdle substantially bounded by four pairs of parallel girdle edges with one pair more widely spaced than the others. No such method or correspondingly shaped final product is in any way suggested by the round diamond production techniques of Senanayake.

While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claims 1 and 12 in

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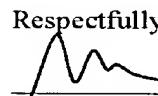
order to clarify and emphasize the crucial distinctions between the device of the present invention and the device of the Senanayake patent cited by the Examiner. Specifically, claim 1 has been amended to further emphasize the context of the claimed invention as relating to an ornamental gemstone, thereby avoiding any possible misreading of the claim on a partially cut block of raw diamond. Similarly, claim 12 has been amended to further clarify that the method steps are used to form an ornamental gemstone having a girdle substantially bounded by said pairs of girdle edges, thereby avoiding any misreading of the claim on a method for cutting round diamonds.

Support for these amendments can be found throughout the specification, and is in the Applicant's opinion self-evident from the reading of the original claims themselves.

The Applicant respectfully solicits reconsideration of the § 103(a) rejections of independent claims 1 and 12, and dependent claims 2-11 and 13-20 over Yacoubian in view of the above argument and amendment.

In view of the above amendments and remarks it is respectfully submitted that independent claims 1 and 12, and hence also dependent claims 2-11 and 13-20, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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